

PLANNING COMMISSION MINUTES

Gardner, Kansas
Monday, August 27, 2007

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

I. Call to Order

Chairman Koranda called the meeting to order at 7:04 p.m. Commissioners present: Stephen Koranda, Greg Godwin, Jason Burnett, Paul Kilgore and Eileen Mertz (7:09 P.M.) Commissioners absent: Eric Schultz and Dan Popp. Also present: Community Development Director Fred Sherman; Planners Amy Banks and Jennifer Dady; Victor Burks of Allenbrand-Drews, Inc., Chet Belcher of Payne & Brockway, P.A., Kevin Lewis of Gentry Design Studio, Kimball Bryan, Barbara Keiter, Silbert Keiter, Donna Bryan, Charles Harrison, James Henningsen, Mike Murphy, Pat Murphy, Suyin Henningsen, Matt & Mary Lein, Vanessa Marriott, Matia Ortiz, Patrick Dardis and other concerned citizens.

II. Pledge of Allegiance

Chairman Koranda led the Pledge of Allegiance.

III. Approval of Minutes

The minutes of the August 13, 2007 meeting, were approved by unanimous consent.

IV. Consent Items

1. PP-07-04 Austin Reserve Preliminary Plat

Consider a Preliminary Plat for Austin Reserve, a 17.56 acre single family residential development located south of 167th Street and east of Waverly Road. The application is filed by Payne & Brockway, P.A.; with engineering services provided by Payne & Brockway, P.A.

APPLICANT: The applicant is Timber Creek Land Company; with engineering services provided by Allenbrand-Drews & Associates, Inc.

REQUESTED ACTION: The applicant requests preliminary plat approval for a 361 lot single family residential development on 152.7 acres.

LOCATION: The subject property is located on the northwest corner of the 167th Street and Gardner Road intersection.

EXISTING ZONING: The property is zoned R-1, Single Family Residential District (Z-06-10).

ANALYSIS OF THE APPLICATION: The applicant requests preliminary plat approval for Auburn Hills, a 361 lot single family residential development. This property, with the exception of the large tract of land at the southeast corner of the property, was recently approved for single family residential zoning. The remaining lot has been requested for commercial zoning (Z-06-11), and retains its agricultural zoning pending Planning Commission and City Council determination of the desirability of commercial development in this location.

The overall layout of lots and streets meets all applicable City standards. Tract C, in the northwest corner of this preliminary plat, is indicated reserved for a future elementary school. To date, school district staff has not expressed any specific intention of utilizing this ground for a school facility. The applicant has provided staff with a prospective single family lot layout for this tract to ensure that it can accommodate residential properties, should a school facility not develop in this location. Future development of the area in the northwest portion of the property into single family lots would require the submittal, and approval by the Planning Commission, of a revised preliminary plat for the entire Auburn Hills property.

Adjacent Property Connections and Streets

The street connection shown on the west side of this preliminary plat connects with the approved preliminary development plan for Granite Springs. The five street connections shown on the northern border of this subject property are intended to continue through to a future collector street that the Development Plan Map prescribes for the property immediately to the north.

This preliminary plat also shows the dedication of and correction of the irregular rights-of-way on Gardner Road. Currently, the western boundary of the dedicated Gardner Road right-of-way takes an erratic path. This preliminary plat indicates the dedication of 60 feet of right-of-way from section lines, to provide a total of 120 feet of right-of-way, which will allow Gardner Road to be widened at a future date.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission approve the Preliminary Plat for Auburn Hills (PP-06-02), a single family residential development located on the northwest corner of the 167th Street and Gardner Road intersection, with the following stipulation:

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Prior to or concurrent with the submittal of a final plat application, public works staff shall review and approve a preliminary stormwater management plan for this property.

2. FP-07-12 Austin Reserve Final Plat

Consider a Final Plat for Austin Reserve, a 17.56 acre single family residential development located south of 167th Street and east of Waverly Road. The application is filed by Payne & Brockway, P.A.; with engineering services provided by Payne & Brockway, P.A.

APPLICANT: The applicant is The Palisades Group, L.L.C.; with engineering services provided by Payne & Brockway, P.A.

REQUESTED ACTION: The applicant requests final plat approval for a tract of land containing approximately 17.56 gross acres for a 51-lot single-family residential development.

LOCATION: The property is located on the east side of Waverly Road, south of 167th Street.

EXISTING ZONING: The property is zoned R-1, Single Family Residential (Z-06-10).

ANALYSIS: The applicant requests approval of a final plat for Austin Reserve, a single-family residential development of 13.06 net acres. The development proposes 51 lots totaling 11.40 net acres and a 1.67 net acre tract reserved for public open space. The plat adheres to the layout of the preliminary plat (PP-07-04), also submitted for approval at this (August 27, 2007) meeting. All utility services are available in the immediate area and can be extended to serve this development.

The northern portion of the subject property is within the modeled floodplain area as determined by the Johnson County Kill Creek drainage basin study. The proposed plat designates an open space area that would potentially be dedicated to the city. Final storm water analysis will need to be submitted to city engineering staff for review and approval.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission approve the Final Plat for Austin Reserve (FP-07-12), and forward the item to the City Council with a recommendation to accept the easements and rights-of-way, subject to the following stipulations:

Prior to recording of the final plat, the required excise tax shall be paid.

Prior to recording of the final plat, a storm water management plan for the project shall be approved by public works staff.

Commissioner Kilgore asked to have Item 3 removed from the Consent Items and moved to the Agenda Items for questions.

Motion: Godwin, Second: Burnett, to Approve the Preliminary Plat for Austin Reserve (PP-07-04) and forward the Final Plat for Austin Reserve (FP-07-12) to the City Council with recommendations for approval of the easements and rights-of-way, each subject to staff recommendations.

Motion Carried: 5 to 0 Aye (Popp and Schultz: Absent.)

V. Agenda Items

(3.) FP-07-13 Auburn Hills Final Plat

Consider a Final Plat for Auburn Hills, a 21 acre single family residential development located north of 167th Street and west of Gardner Road. The application is filed by Rockwood at Prairie Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Associates, Inc.

APPLICANT: The applicant is Rockwood at Prairie Highlands, LLC; with engineering services provided by Allenbrand-Drews & Associates, Inc.

REQUESTED ACTION: The applicant requests final plat approval for a tract of land containing approximately 21 gross acres for a 59-lot single-family residential development.

LOCATION: The property is located east of Waverly Road and south of 167th Street.

EXISTING ZONING: The property is zoned R-1, Single-Family Residential (Z-06-10).

ANALYSIS: The applicant requests approval of a final plat for Auburn Hills, a single-family residential development containing 59 lots totaling 13.61 net acres and a .33 net acre tract reserved as a detention basin. This plat represents a portion of the Preliminary Plat #06-02 (Auburn Hills), approved by the Planning Commission at the December 11, 2006 meeting. The proposed final plat is consistent with the approved preliminary plat. There was one stipulation made on the preliminary plat, requiring that a preliminary storm water management plan be reviewed and approved prior to or concurrent with the submittal of the final plat application. A storm water management plan is under review by public works staff and shall be approved prior to recordation of the final plat (See Stipulation #B).

STAFF RECOMMENDATION: Staff recommends that the Planning Commission approve the Final Plat for Fuel Express (FP-07-01), and forward the item to the City Council with a recommendation to accept the easements and rights-of-way, subject to the following stipulations:

Prior to recording of the final plat, the required excise tax shall be paid.

Prior to recording of the final plat, a storm water management plan for the project shall be approved by public works staff.

Commissioner Kilgore asked staff if the street layout conflicted with what was previously approved for this site.

Director Sherman explained that the proposed layout follows the approved preliminary plat.

Motion: Kilgore, Second: Burnett, to forward the Final Plat for Auburn Hills (FP-07-13) to the City Council with recommendations for approval of the easements and rights-of-way, each subject to staff recommendations.

Motion Carried: 5 to 0 Aye (Popp and Schultz: Absent.)

1. Z-07-06/PDP-07-05 Symphony Farms Rezoning

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to RP-3 (Planned Garden Apartment District) for a 10.73 acre property located east of Kill Creek Road and south of 159th Street. The application is filed by Allenbrand-Drews & Assoc. Inc.; with engineering services provided by Allenbrand-Drews & Assoc. Inc.

APPLICANT: The applicant is Johnson County Land Holdings, L.L.C., with engineering services provided by Allenbrand-Drews & Associates, Inc.

REQUESTED ACTION: The applicant requests rezoning from R-1, Single Family Residential District to the RP-3, Planned Garden Apartment Residential District.

LOCATION: The 10.73 acre area for the subject rezoning request is located ¾ mile north of 167th Street on the east side of Kill Creek Road.

EXISTING ZONING: The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-03-13 (Ord. 2083).

CHARACTER OF THE NEIGHBORHOOD: The land immediately surrounding the subject property is characterized by unincorporated agricultural land to the east, a sewage treatment facility to the north, Pioneer Ridge Middle School and a city park (currently under construction) to the west, and the land to the south is either in the floodplain or zoned and planned for single-family residential. The Development Plan Map shows this property to be reserved for low-density residential growth.

LAND USE AND ZONING PATTERNS: The surrounding zonings are R-1, Single Family Residential District, to the south and west; A, Agricultural District to the north; and Johnson County zoning RUR - Rural, Agricultural Uses and Single-Family Dwellings to the east.

CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN: The Gardner Community Development Plan - 2003 indicates low-density residential land uses for this property, which is defined as 6-units per acre or less. This preliminary development plan proposes 90 units on the 10.73 acre tract, for a density of 8.39 units per acre. However, due to the flood plain on the eastern portion of the property (which may later be dedicated to the City for public open space), the development is concentrated on approximately 7.5 acres, which would yield a density of 12-units per acre. Either way the density is calculated, it exceeds the recommended 6-units per acre for this area. The Community Development Plan does, however, discuss using higher densities as a transition between low-density residential and non-residential uses (Residential Land Uses Policy 4.2). This property has been proposed by the applicant with higher-density residential to transition between the low-density residential to the south and the Kill Creek sewage treatment plant to the north. Specific policies in the adopted Community Development Plan regarding compatible transitions from low-density residential development include:

Low-Density Residential Land Use Goals:

Goal 4 – Compatible Transition from Low-Density Residential Development to More Intensive Uses.

Policy 4.1: Use Appropriate Transitional Methods

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

Building Relationships:

A back-to-back relationship is preferable between low-density residences and other more intensive residential uses.

Land Features:

Promote the retention of stands of trees, natural vegetation, wetlands, and environmentally sensitive areas whenever possible to separate low-density residential developments from other more intensive land uses.

Where possible, use existing differences in topography to naturally separate low-density developments and other more intensive land uses.

Screening and Landscaping:

Encourage the creative and extensive use of landscaping and berming techniques for effective buffering of low density residential uses.

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Avoid the use of fences as a sole means of providing screening and buffering.

Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.

Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long term maintenance costs and to make it less likely that neglected, unsightly areas will occur.

Policy 4.2: Higher-Density Residential as Transitional Use

Promote the use of higher density residential development and duplexes as a transitional land use between nonresidential developments and surrounding low-density residential neighborhoods.

Medium- and Higher-Density Residential Land Use Goals:

Policy 1.1: Ensure Quality Development

Encourage emphasis on open space, access to light and air, and the provision of amenities generally associated with and available to low-density residential development in all medium- and higher-density residential developments.

Policy 1.2: Preserve and Protect the Environment

Encourage the preservation and protection of trees, natural vegetation, wetlands, and environmentally sensitive areas in medium- and higher-density residential developments to serve as site amenities.

Policy 1.3: Provide Open Space

Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow strips of unusable open space in front of and between buildings.

Policy 1.4: Consider Appropriate Density

The number of dwelling units per acre in any residential category should be viewed as representing a density range rather than a maximum allowable density. The exact density of a specific tract is to be determined at the time of rezoning based on the following:

Only projects with exceptional design and locational criteria will warrant density exceeding the midpoint of the density range.

Natural constraints, public facilities, streets and traffic patterns, neighborhood character, community need and surrounding zoning and land use patterns are to be taken into consideration.

Policy 1.5: Provide for Variety in Housing Types

Encourage the use of a variety of housing types, including townhomes, patio homes, duplexes, zero lot line homes, cluster housing, garden apartments and retirement housing.

Policy 2.7: Adhere to Future Development Plan

A feasibility study for developments increasing the amount of medium- and higher-density residential areas beyond what is shown on the Community Development Plan Map may be required to assist in the evaluation of a proposed project. The feasibility study will include:

Explanation of why the area is not adequately served by the medium- and higher-density residential development shown on the Community Development Plan Map.

An analysis of the impact of traffic generated by the development on adjacent streets.

Goal 3: Compatible Transition from Medium- and Higher-Density Residential Development to Both More Intensive and Less Intensive Uses:

Policy 3.1: Use Appropriate Transitional Methods

Site Orientation.

Site design should be oriented so that less compatible uses such as recreational facilities are located in the interior of the development and not adjacent or in close proximity to low-density residential neighborhoods.

STAFF ANALYSIS OF THE APPLICATION: The applicant requests approval of a rezoning application for a multi-family development on 10.73 acres of land for 90 new residential units. Of those 90 units, 6 are proposed to be 2-unit, or duplex units and the remaining 84 would be located in 12-plexes. The duplexes will not be constructed as a part of this plan; the applicant intended to staff that they plan to sell the three duplex lots as vacant lots, but conceptual duplex elevations were submitted with the application. The request generally follows the guidelines outlined by the Community Development Plan, and is accessible by all applicable services.

Proposed Units

The 2.5-story 12-plexes buildings are a unique combination of units, unlike a typical apartment building. Each unit would have a one-car garage on the main level. Four one-level units would be located on this level, and the other eight units would be on the second level. Of those eight units, four would be one-level units and the other four would be two-level units, with the master bedroom located on the third floor of the building, within the area encompassed by the roof. Each of the twelve units would have a private patio and a main-level, private entrance. They are proposed to be sold as condominiums.

It should be noted that the building footprints on the plan do not exactly match the submitted floor plans. It should also be noted that no walkways are shown connecting the driveways to the doors on the north and south sides of each building. The applicant has acknowledged that the walkways will be installed. These will be required to be shown on the final development plan.

Parking

One of staff's concerns is regarding parking. While each unit will have a one-car garage, the plan indicates only two other small areas for parking. In the conventional R-3 zoning district, 2 parking spaces are required per 2 bedroom apartment. Because all of the apartments will have 2 bedrooms, each unit will be required to have one additional parking space. The Zoning Ordinance does not specify whether or not the additional spaces may be in the driveways, directly blocking the garages. The Planning Commission should discuss this to determine whether or not it is appropriate in this instance. The shared driveways for the 12-plexes are excessively wide (25 feet), but Staff would advise against allowing parking along the edges.

Building Height

The height of these buildings is proposed to be 38 feet, three feet higher than is permitted in a conventional R-3 zoning district. Due to the fact that this is proposed to be a *planned* (RP-3) zoning district, the Planning Commission should determine whether or not it is acceptable to exceed the R-3 district's 35-foot height limitation in this instance.

Unit Mix

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Another of staff's concerns relates to the three duplex lots at the end of a cul-de-sac of 12-plexes. Is it appropriate to have this unusual combination of housing types/densities in this manner and location? The applicant has stated that he wishes to offer two different housing types on this property and that due to grading issues, the 12-plexes needed to be on the western half of the property. The Planning Commission should discuss the appropriateness of this combination of housing types before making a decision on this application.

Kill Creek Treatment Plant

The preliminary development plan shows a building on that property that is roughly 100-feet from the subject property (due north of one of the seven 12-plexes). It is used for sludge-drying. The applicant is aware that plans for this sewage treatment facility are to eventually add two more sludge drying buildings to the west of the current building. While the existing building is relatively new and built to excellent standards, there is always the possibility of a smell in this general area at times. Staff worked with the applicant to move the buildings farther south in order to accommodate trees along the northern property line. The trees would help to screen the sewage treatment facility and residential property from each other. The proposed preliminary development plan submitted with this rezoning request meets the requirements of the landscape ordinance. The treatment plant property has minimal landscaping installed.

A similar concern is that the proposed development abuts two single-family lots to the southwest that are among the larger and nicer lots in Symphony Farms. The plan indicates that trees will be planted to screen between the two densities.

Public vs. Private Street

161st Court is proposed to be a public street, which would require the building setbacks to be at least 30 feet. The applicant is requesting to set the buildings back only 20 feet from the lot lines. If 161st Court was proposed to be a private street, the setback requirements would not be an issue, but the question of who would maintain the street would become an issue over time, particularly since there is no separate pool and amenity package for this property.

Staff recommends a stipulation to require sidewalks to be installed along both sides of 161st Court and along Kill Creek Road, beginning at 161st Court and continuing to the south. This has been discussed with the applicant, although sidewalks are not shown on the preliminary development plan. Due to the proximity of the fencing surrounding the Kill Creek treatment plant property, a sidewalk connection to the north is not practicable.

Amenity Package

This property will be included in the pool and amenity package for the Symphony Farms subdivision as a whole. This pool for Symphony Farms is located at the northwest corner of 167th Street and Kill Creek Road.

Following discussion, the Planning Commission may or may not wish to add stipulations, particularly in regard to parking and height requirements. These issues should be carefully considered before making any decisions.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission forward the request to rezone a 10.73-acre portion of Symphony Farms, located ¼ mile north of 167th Street on the east side of Kill Creek Road, from the R-1, Single Family Residential District, to the RP-3, Planned Garden Apartment District, (Z-07-06), and its associated preliminary development plan (PDP-07-05) to the City Council with a recommendation for approval, subject to the following stipulations:

The development shall be in accordance with Exhibit "A" (Development Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

The development shall be limited to 90 units.

The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.

Sidewalks shall be required along 161st Court and along Kill Creek Road, beginning at 161st Court and continuing to the south.

Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.

Chairman Koranda opened the public hearing at 7:10 PM.

Director Sherman presented the staff report.

Chairman Koranda asked if the commissioners had any questions for the applicant.

The applicant, Victor Burks, of Allenbrand-Drews, Inc., expressed he would be happy to answer any questions the commissioners and audience have.

Chairman Koranda invited members of the audience to ask questions.

Motion: Kilgore, Second: Godwin, to close the public hearing at 7:20 PM.

Motion Carried: 5 to 0 Aye (Popp and Schultz: Absent.)

Commissioner Godwin asked about the ownership of the surrounding lots.

Mr. Burks answered that Johnson County Land Holdings, L.L.C. owns the lots to the south.

Director Sherman explained the City of Gardner owns the property to the north (Gardner Sewage Treatment Center) and would likely own the area to the east for future Gardner Greenway area due to the floodplain.

Commissioner Godwin expressed his concerns for the amount of parking provided and the location of said parking and the lack of amenities provided to this neighborhood.

Director Sherman explained that the parking provided does meet Gardner City Code requirements and that there would be 12 to 15 additional parking spaces available for tenant guests located on the northeast and southwest corners of the property.

Chairman Koranda asked the applicant to explain the entire concept of this area and the reason for including the three proposed duplex lots on the east side of this plan.

Mr. Burks explained that the builder wants to provide more housing options and that the proposed garden apartments cannot be built on the grade present on the east side of the site.

Director Sherman briefly explained the area's topography.

Mr. Burks and the commissioners discussed preferred uses for the lots on the east side of this property including: additional parking or a playground.

Commissioner Godwin expressed his concern for the amount of parking provided and does not feel it is adequate. He also expressed concerns for the amount of "green space" being provided and would like to see the apartment buildings spread out.

Mr. Burks and Director Sherman discussed that the City of Gardner recently purchased 83-acres for a new community park located across Kill Creek Road from this property and would likely acquire the area of land located in the floodplain to use as part of the Gardner Greenway.

Commissioner Burnett agreed with Commissioner Godwin and would like to see the buildings spread out and have more green space.

Chairman Koranda discussed with staff his concerns with the City Code 16-506.5, regarding the 35 foot maximum height for buildings and would like to see more screening.

Commissioner Mertz asked staff about the parking count in other subdivisions and if these plans were similar.

Director Sherman explained the City Code 16-506.8 in regards to parking regulations and the number of off-street parking spaces required.

Commissioner Mertz expressed her understanding of the reasons for using higher-density residential as a buffer and the need for higher density, but would like to see the duplex lots removed.

Commissioner Godwin expressed he would like to see centralized parking.

Motion: Mertz, Second: Kilgore, to Table Agenda Item No. 1 to the September 24, 2007 meeting.

Motion Carried: 5 to 0 Aye (Popp and Schultz: Absent.)

2. Z-07-07/PDP-07-06 Auburn Hills Rezoning

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to RP-2 (Planned Two Family Residential District) for an 11.48 acre property located west of Gardner Road and north of 167th Street. The application is filed by Rockwood at Prairie Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Assoc. Inc.

APPLICANT: The applicant is Rockwood at Prairie Highlands, LLC; with engineering services provided by Allenbrand-Drews & Associates, Inc.

REQUESTED ACTION: The applicant requests rezoning from R-1, Single Family Residential District to the RP-2, Planned Two-Family Residential District for 96 residential units.

LOCATION: The 11.48 acre area for the subject rezoning request is located west of Gardner Road and north of 167th Street.

EXISTING ZONING: The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-06-10 on November 20, 2006. (Ord. 2222).

CHARACTER OF THE NEIGHBORHOOD: The land immediately surrounding the subject property is characterized by vacant land zoned for R-1 (single-family residential) to the north, south and west, unincorporated residential properties and Gardner Lake to the northeast. Directly east of the subject property is the APAC-Kansas quarry. The Development Plan Map shows this property to be reserved for low-density residential growth.

LAND USE AND ZONING PATTERNS: The surrounding zonings are R-1, Single Family Residential District, to the north, south and west (Z-06-10 and Z 06-12); and Johnson County zoning RUR - Rural, Agricultural uses to the east.

CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN: The Gardner Community Development Plan - 2003 denotes urban residential land uses and low-density residential development uses for this immediate area. The Community Development Plan attempts to expand housing opportunities by targeting various residential densities. Three residential land use categories are depicted on the Development Plan Map. The categories are distinguishable by the density of development allowed in each:

Low-Density:	Greater than 1 and less than or equal to 6 units per acre
Medium-Density:	Greater than 6 and less than or equal to 15 units per acre
High-Density:	Greater than 15 units per acre

Rezoning the property to RP-2, Planned Two-Family Residential District, could be complementary with the intent and policies of the plan. The general goal of the plan for medium density residential land uses is to help form residential neighborhoods that are stable, safe and aesthetically pleasing.

The subject RP-2 zoning request is not totally consistent with the allowed density as shown on the Community Development Plan Map. The submitted development plan includes 96 total units on 11.48 acres of land, which equates to 8.36 units per acre.

Specific policies in the adopted Community Development plan regarding low-density residential development include (Staff comments in ***bold italics***):

Low-Density Residential Land Use Goals:

Goal 2 – Criteria for the Location of Low-Density Residential Development.

Policy 2.1: Protect Areas Planned for Low-Density-

Avoid reducing low density residential areas as shown on the Community Development Plan Map by allowing encroachment of higher density residential or by allowing nonresidential land uses which are not customarily allowed in low-density residential districts.

This proposal, though it includes duplex/villas, could be classified as low-density development with fewer proposed units.

Policy 2.2: Reserve Suitable Sites-

Reserve suitable land areas of adequate size to accommodate a number of subdivisions in order to facilitate well-planned orderly development with better coordination of public services and facilities.

This project represents a portion of the overall Auburn Hills development, which comprises approximately 160 acres. The proposed layout of the preliminary development plan for the RP-2 district creates a cohesive two-family neighborhood, while coordinating with the development as a whole.

Policy 2.3: Ensure Adequate Infrastructure Facilities-

Ensure that new housing development occurs in areas, which can be adequately and efficiently served by infrastructure facilities.

This proposal is located within the North Service Area, as indicated on the Priority Growth Map, which is classified as a current service area.

Policy 2.4: Allow Small-Lot and Duplex Subdivisions

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Allow the use of small-lot and duplex subdivisions in low-density residential areas in the following circumstances upon a finding of compatibility with surrounding uses:

As a land use transition between lower-density development and land uses of higher intensities.

The proposed RP-2 district, which will include villa/duplexes, could act as a transitional land use between the proposed RP-3 district to the south and the R-1 zoning to the north. In addition, the placement of RP-2 at this location provides a secondary transitional land use between the existing R-1 district to the west and the quarry to the east.

Adjacent to heavily traveled streets such highways, or interstates, or adjacent to railroad corridors.

The proposed RP-2 district, including villas/duplexes, is placed adjacent to Gardner Road, an arterial roadway to the east, providing a buffer for the lower density single-family district to the west.

Where flexibility in subdivision design is necessary to preserve natural features, provide for greenway linkages or avoid floodplains.

There is an existing pond and associated natural features to the south, as part of the overall Auburn Hills plan, which impedes development in this area, lessening the overall density of the project.

Policy 3.2: Encourage Proper Lot Orientation

Encourage subdivision design in which peripheral lots face inward toward the neighborhood of which they are a part, especially those lots which are adjacent to collectors or thoroughfares. No home shall front on a designated thoroughfare.

All of the residences in the proposed Preliminary Development Plan face away from adjacent collectors and towards the neighborhood.

Policy 3.3: Provide for Extra Buffering in Special Circumstances

Encourage subdivision design which provides extra buffering between homes and adjacent freeways or thoroughfares. Extra buffering can be accomplished by using any of the following methods or a combination thereof:

- Berms
- Landscape screening
- Fences
- Extra lot depth

Staff will recommend as part of a final development plan that sufficient landscaping and berms be utilized to both shield the proposed RP-2 district from adjoining lower and higher density development from the existing quarry to the east.

Goal 4 – Compatible Transition from Low-Density Residential Development to More Intensive Uses.

Policy 4.1: Use Appropriate Transitional Methods

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

The proposed RP-2 district is surrounded by proposed RP-3 to the south, proposed R-2 to the west, and Gardner Road, the quarry and pump station to the east. The RP-2 district, as proposed, abuts an existing single-family residential district to the north, however, the proposed layout reveals an intent for the continuation of the RP-2 district to the north.

Building Relationships:

A back-to-back relationship is preferable between low-density residences and other more intensive residential uses.

The proposed villa/duplexes share a back-to-back relationship with the proposed RP-3 district to the south and Gardner Road and the quarry to the east. But they share more of a side-to-side relationship with the proposed R-2 district to the west, and infer that this development pattern will be continued to the existing R-1 district to the north.

More intense residential uses should not have lesser setbacks than abutting low-density residential uses.

The building layout of the RP-2 district shall be consistent with the yard setbacks of the R-2 district with alterations as approved in the Final Development Plan, to allow flexibility while ensuring adequate setbacks.

Screening and Landscaping:

- Encourage the creative and extensive use of landscaping and berming techniques for effective buffering of low density residential uses.
- Avoid the use of fences as a sole means of providing screening and buffering.
- Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.
- Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long term maintenance costs and to make it less likely that neglected, unsightly areas will occur.

Staff recommends that appropriate landscaping be incorporated into the final development plan design to both shield the proposed RP-2 district from adjoining lower and higher density development to the south and the use of landscaping and berms to help shield this proposed use from the existing quarry to the east.

Specific policies for medium and high-density land uses include:

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Policy 1.1: Ensure Quality Development

Encourage emphasis on open space, access to light and air, and the provision of amenities generally associated with and available to low-density residential development in all medium- and higher-density residential developments.

The proposed preliminary development plan provides the residential district with a shared clubhouse and pool facility

Policy 1.2: Preserve and Protect the Environment

Encourage the preservation and protection of trees, natural vegetation, wetlands, and environmentally sensitive areas in medium- and higher-density residential developments to serve as site amenities.

Preservation is not emphasized in this portion of the Auburn Hills development.

Policy 1.3: Provide Open Space

Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow strips of unusable open space in front of and between buildings.

The current layout does not provide a great deal of community open space or clustering of buildings.

Policy 1.4: Consider Appropriate Density

The number of dwelling units per acre in any residential category should be viewed as representing a density range rather than a maximum allowable density. The exact density of a specific tract is to be determined at the time of rezoning based on the following:

Only projects with exceptional design and locational criteria will warrant density exceeding the midpoint of the density range.

Natural constraints, public facilities, streets and traffic patterns, neighborhood character, community need and surrounding zoning and land use patterns are to be taken into consideration.

The current proposal has a density of approximately 8.5 units to the acre, whereas medium-density districts permit for 6 to 15 units to the acre.

Policy 1.5: Provide for Variety in Housing Types

Encourage the use of a variety of housing types, including townhomes, patio homes, duplexes, zero lot line homes, cluster housing, garden apartments and retirement housing.

From a view of the overall Auburn Hills development, this proposal provides for additional housing variety within the neighborhood beyond the single-family units. Some architectural variety could be included, but the submitted development plan for this subject property call for only one type of residential building.

Goal 3: Compatible Transition from Medium- and Higher-Density Residential Development to both More Intensive and Less Intensive Uses:

Policy 3.1: Use Appropriate Transitional Methods

Site Orientation.

Site design should be oriented so that less compatible uses such as recreational facilities are located in the interior of the development and not adjacent or in close proximity to low-density residential neighborhoods.

STAFF ANALYSIS OF THE APPLICATION: The applicant requests approval of a rezoning application for a planned two-family residential development on 11.48 acres of land for 98 new residential units. At this density, the request does not conform to the basic land use density parameters set by the Community Development Plan for Low-Density Residential development. The total number of residential units proposed by the four requested rezoning items for Auburn Hills is about 6.6 units per acre.

Case	Acres	Units	Density
Z-07-07	11.48	98	8.54
Z-07-08	11.56	160	13.84
Z-07-09	29.46	114	3.87
Z-07-10	7.85	30	3.82
Total	60.35	402	6.66

The requested RP-2 zoning district restricts the uses of property to two-family dwellings, commonly referred to as duplexes. A preliminary development plan and general building elevations have been submitted for consideration with this request. The proposed RP-2 area would include a total of 49 duplex/villa buildings for a total of 98 duplex/villa units, as well as a pool and clubhouse area. Private driveways leading to shared parking loop north off 164th Street. The general layout of this development is designed so that this proposed RP-2 development would be mostly a self-contained neighborhood.

Building Elevations

The submitted elevations denote that the buildings within this development will be constructed with a slight off-set between each unit, and each side of a duplex building will have unique features to prevent it from being a "mirrored" duplex unit design. All units are proposed to have a one car-width garage that is about 24 feet in total depth.

Street Design

The street design for this preliminary development plan is laid out to continue the proposed RP-2 development pattern north of the area currently under review. A preliminary development plan for the property to the north proposed R-2 zoning was denied by the Planning Commission on April 30, 2007. This will also address the issue of potentially connecting a private drive, as part of this proposal, with a public street to the north, should a differing layout plan be approved for the adjoining property.

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The streets in this proposal are denoted as private. Per the City's technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets. The layout of some of the private roads may need to be revised on the Final Development Plan and Final Plat to meet public street design standards (See Stipulation #E).

Ownership

The applicant has not delineated on the preliminary development plan the intended limit of ownership for the proposed villa/duplexes, whether the property line will end at the foundation of each unit or if there will be an "envelope" of land surrounding each unit, with the remainder as common space. Ownership will need to be delineated on the final development plan.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission forward the request to rezone the Auburn Hills property, 11.48 acres located west of Gardner Road and north of 167th Street, from the R-1, Single Family Residential District, to the RP-2, Planned Two Family Residential District, (Z-07-07) to the City Council with a recommendation for denial.

If the Planning Commission chooses to make a recommendation of approval, staff suggests the following stipulations:

The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

The development shall be limited to 98 units.

The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.

Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.

Per the City's adopted technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets.

1. Z-07-08/PDP-07-07 Auburn Hills Rezoning

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to RP-3 (Planned Garden Apartment District) for an 11.56 acre property located west of Gardner Road and north of 167th Street. The application is filed by Rockwood at Prairie Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Assoc. Inc.

APPLICANT: The applicant is Rockwood at Prairie Highlands, LLC; with engineering services provided by Allenbrand-Drews & Associates, Inc.

REQUESTED ACTION: The applicant requests rezoning from R-1, Single Family Residential District to the RP-3, Planned Garden Apartment District.

LOCATION: The 11.56 acre area for the subject rezoning request is located west of Gardner Road and north of 167th Street.

EXISTING ZONING: The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-06-10 on November 20, 2006. (Ord. 2222).

CHARACTER OF THE NEIGHBORHOOD: The land immediately surrounding the subject property is characterized by vacant land zoned for R-1 (single-family residential) to the north, south and west, unincorporated residential properties and Gardner Lake to the northeast. Directly east of the subject property is the APAC-Kansas quarry. The Development Plan Map shows this property to be reserved for low-density residential growth.

LAND USE AND ZONING PATTERNS: The surrounding zonings are R-1, Single Family Residential District, to the north, south and west (Z-06-10); and Johnson County zoning RUR - Rural, Agricultural uses to the east.

CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN: The Gardner Community Development Plan - 2003 indicates low-density residential land uses for this property, which is defined as six units per acre or less. The request for RP-3 zoning would increase the allowed density as shown on the Community Development Plan Map to greater than 6 units and less than or equal to 15 units per acre. The proposed preliminary development plan shows approximately 13 units to the acre for RP-3 district. However, the Community Development Plan does allow the option of Medium-Density Residential as a Transitional Use (Policy 3.4). Specific policies in the adopted Community Development plan regarding compatible transitions from low-density residential development and medium density residential development include (staff comments in ***bold italics***):

Low-Density Residential Land Use Goals:

Goal 4 – Compatible Transition from Low-Density Residential Development to More Intensive Uses.

Policy 4.1: Use Appropriate Transitional Methods

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses about low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

The proposed RP-3 district is surrounded by proposed RP-2 and R-2 on three sides, and with Gardner Road, the quarry and pump station to the east. The RP-3 district, as proposed, abuts only one single-family residential lot, however, the placement of the pool and clubhouse in this corner removes issues of bulk and height.

Building Relationships:

A back-to-back relationship is preferable between low-density residences and other more intensive residential uses.

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The proposed garden apartments and the surrounding proposed RP-2 and RP-3 districts are generally organized in a back-to-back relationship, though the villas/duplexes to the south of the proposed RP-3 district share more of a side-to-side relationship. This side-to-side relationship is not an issue, however, due to the barrier created by 164th Street.

Land Features:

Promote the retention of stands of trees, natural vegetation, wetlands, and environmentally sensitive areas whenever possible to separate low-density residential developments from other more intensive land uses.

The overall layout of Auburn Hills retains the existing pond and open space to the south of the proposed RP-3 district.

Where possible, use existing differences in topography to naturally separate low-density developments and other more intensive land uses.

Differences in topography and the placement of 164th Street provide another land use transition between the side-to-side relationship of the proposed RP-3 district and the proposed RP-2 district to the south.

Screening and Landscaping:

Encourage the creative and extensive use of landscaping and berming techniques for effective buffering of low density residential uses.

Avoid the use of fences as a sole means of providing screening and buffering.

Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.

Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long term maintenance costs and to make it less likely that neglected, unsightly areas will occur.

Appropriate landscaping and berms should be utilized to both shield the proposed RP-3 district from adjoining lower density development and the proposed garden apartments from the existing quarry and Gardner Road to the east.

Policy 4.2: Higher-Density Residential as Transitional Use

Promote the use of higher density residential development and duplexes as a transitional land use between nonresidential developments and surrounding low-density residential neighborhoods.

The proposed RP-3 zoning district could act as a transitional land use between the existing R-1 (Single-Family Residential) zoning district and the quarry to the east.

Medium- and Higher-Density Residential Land Use Goals:

Policy 1.1: Ensure Quality Development

Encourage emphasis on open space, access to light and air, and the provision of amenities generally associated with and available to low-density residential development in all medium- and higher-density residential developments.

The proposed preliminary development plan provides the garden apartment district with its own clubhouse and pool.

Policy 1.2: Preserve and Protect the Environment

Encourage the preservation and protection of trees, natural vegetation, wetlands, and environmentally sensitive areas in medium- and higher-density residential developments to serve as site amenities.

Though preservation is not emphasized in this portion of the Auburn Hills development, the existing pond and some of the vegetation to the south of this rezoning request are intended to remain, with access via a walking path.

Policy 1.3: Provide Open Space

Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow strips of unusable open space in front of and between buildings.

The current layout does not provide a great deal of community open space or clustering of buildings.

Policy 1.4: Consider Appropriate Density

The number of dwelling units per acre in any residential category should be viewed as representing a density range rather than a maximum allowable density. The exact density of a specific tract is to be determined at the time of rezoning based on the following:

Only projects with exceptional design and locational criteria will warrant density exceeding the midpoint of the density range.

Natural constraints, public facilities, streets and traffic patterns, neighborhood character, community need and surrounding zoning and land use patterns are to be taken into consideration.

The current proposal has a density of approximately 13 units to the acre, whereas medium-density districts permit for 6 to 15 units to the acre. As a result, this increase in density is relatively high. The overall density of the proposed RP-3 district could be reduced with the elimination of one or more proposed buildings.

Policy 1.5: Provide for Variety in Housing Types

Encourage the use of a variety of housing types, including townhomes, patio homes, duplexes, zero lot line homes, cluster housing, garden apartments and retirement housing.

From a view of the overall Auburn Hills development, this proposal provides for additional housing variety within the neighborhood beyond the single-family, duplexes and villas proposed.

Policy 2.7: Adhere to Future Development Plan

A feasibility study for developments increasing the amount of medium- and higher-density residential areas beyond what is shown on the Community Development Plan Map may be required to assist in the evaluation of a proposed project. The feasibility study will include:

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Explanation of why the area is not adequately served by the medium- and higher-density residential development shown on the Community Development Plan Map.

An analysis of the impact of traffic generated by the development on adjacent streets.

Goal 3: Compatible Transition from Medium- and Higher-Density Residential Development to Both More Intensive and Less Intensive Uses:

Policy 3.1: Use Appropriate Transitional Methods

Site Orientation.

Site design should be oriented so that less compatible uses such as recreational facilities are located in the interior of the development and not adjacent or in close proximity to low-density residential neighborhoods.

The current layout of the Garden Apartments places the proposed clubhouse and pool directly adjacent to a single-family residential lot, in the western-most corner of the proposed RP-3 district. While this helps with the bulk and height issues, the pool and clubhouse could be placed closer to the middle of the apartment development.

STAFF ANALYSIS OF THE APPLICATION: The applicant requests approval of a rezoning application for Garden Apartment residential development on 11.56 acres of land for 160 new residential units. The total number of residential units proposed by the four requested rezoning items for Auburn Hills is about 6.6 units per acre.

Case	Acres	Units	Density
Z-07-07	11.48	98	8.54
Z-07-08	11.56	160	13.84
Z-07-09	29.46	114	3.87
Z-07-10	7.85	30	3.82
Total	60.35	402	6.66

The rezoning request conforms to many of the land use policies set by the Community Development Plan if it is determined that this area is appropriate for medium-density residential uses, as it is accessible by all applicable services.

The requested RP-3 zoning district restricts the uses of property to garden apartments. A preliminary development plan and general building elevations have been submitted for consideration with this request. The proposed RP-3 area would include a total of ten (10) apartment buildings for a total of 160 garden apartment units, as well as a pool and clubhouse area. Private driveways leading to shared parking loop north off 164th Street. The general layout of this development is designed so that this proposed RP-3 development would be mostly a self-contained neighborhood.

Building Elevations

The submitted elevations denote that the buildings within this development will be constructed with façade changes making use of stone and stucco as well as differing roofing heights that help break up the bulk of the buildings. The proposed building height on the elevation is conflicting, with the scale showing the height to be between 37-37.5 feet, while the dimensions give the height as a maximum of 32 feet. The applicant is aware of this discrepancy and has established the maximum height at 32 feet, within the maximum of 35 feet, as established by code.

Parking

The applicant has not provided staff with floor plans of the proposed apartment buildings. In order to address parking requirements within the RP-3 district, the number of bedrooms must be known. The applicant has provided staff with a ratio:

- 40% are 1 bedroom units = 64 (1 bedroom units) requiring 96 stalls
- 45% are 2 bedroom units = 72 (2 bedroom units) requiring 144 stalls
- 15% are 3 bedroom units = 24 (3 bedroom units) requiring 60 stalls

A total of 300 stalls are required for the number of units and bedrooms proposed and the preliminary development plan provides for 304 stalls, meeting code requirements. However, floor plans shall be required with the final development plan submittal as well as accurate bedroom counts, to be constituent with the preliminary development plan approval.

Building Setback and Site Design

The layout of the buildings as proposed in the preliminary development plan does not fully follow the yard setback requirements of the RP-3 district. However, the designation of a Planned residential district does permit for variation in setbacks provided that "such buildings are architecturally suitable for such a relationship to adjoining buildings or property, due consideration being given to future development of adjoining property under separate ownership (Section 16-509 "Planned Residential Districts" of the Gardner Zoning Ordinance)."

Due to the fact that this proposal is a part of a larger development by the same owner, this eliminates confusion over future adjoining development. The yard setback requirements for the R-3 zoning district are as follows:

- Front yard – A minimum of 85 feet, measured from the centerline of the street for lots fronting on an arterial roadway.
 - The plans show buildings set between 83 and 89 feet from the centerline of Gardner Road.
- Side yard – A minimum of seven (7) feet on each side of a zoning lot or 20% total side yards.
 - The northern side yard places the buildings between 15 and 22 feet from the property line.
- Side yard – Twenty feet shall be provided on the street side of a corner lot.
 - The southern side yard places buildings between 15 and 28 feet of the right-of-way of 164th Street.
- Rear yard – A minimum of 25 feet.
 - The preliminary development plan shows the buildings between 7 and 23 feet from the property line.

Staff finds that, overall, the preliminary development plan places the proposed garden apartments not within a reasonable placement compared with the Euclidean yard setbacks of the standard R-3 district. The buildings are very close to the adjacent residential uses and 164th Street.

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As a site design alternative, the buildings adjacent to the proposed R-2 district to the west could be moved further from the western property line; also the building closest to 164th Street could be moved further into the interior of the lot.

The streets in this proposal are denoted as private. Per the City's technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets. The layout of some of the private roads must be revised on the Final Development Plan and Final Plat to meet public street design standards.

STAFF RECOMMENDATION: If this area is determined to be sufficient for medium-density residential, the proposed density of this rezoning request is acceptable based on the density parameters established in the Community Development Plan. However, the proposed site layout of buildings is not satisfactory to staff. In particular, the setback of the proposed apartment buildings to the adjacent land uses is far too close to the adjacent residential land uses.

Staff recommends that the Planning Commission forward the request to rezone the Auburn Hills property, 11.56 acres located west of Gardner Road and north of 167th Street, from the R-1, Single Family Residential District, to the RP-3, Planned Two Family Residential District, (Z-07-08) to the City Council with a recommendation for denial.

If the Planning Commission finds that this area is appropriate for medium-density residential land uses and the submitted preliminary development plan is adequate, then staff recommends the following stipulations:

The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

The development shall be limited to 160 units.

The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.

Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property that includes accurate bedroom counts.

Per the City's adopted technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets.

4. Z-07-09/PDP-07-08 Auburn Hills Rezoning

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to RP-2 (Planned Two Family Residential District) for a 29.46 acre property located west of Gardner Road and north of 167th Street. The application is filed by Rockwood at Prairie Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Assoc. Inc.

APPLICANT: The applicant is Rockwood at Prairie Highlands, LLC; with engineering services provided by Allenbrand-Drews & Associates, Inc.

REQUESTED ACTION: The applicant requests rezoning from R-1, Single Family Residential District to the RP-2, Planned Two-Family Residential District.

LOCATION: The 29.46 acre area for the subject rezoning request is located west of Gardner Road and north of 167th Street.

EXISTING ZONING: The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-06-10 on November 20, 2006. (Ord. 2222).

CHARACTER OF THE NEIGHBORHOOD: The land immediately surrounding the subject property is characterized by vacant land zoned for R-1 (single-family residential) to the north and west, vacant land zoned for CP-O and CP-2 office and commercial development to the south and unincorporated residential properties and Gardner Lake to the northeast. Directly east of the subject property is the APAC-Kansas quarry and Gardner's sanitary sewer North Lift-station. The Development Plan Map shows this property to be reserved for low-density residential growth.

LAND USE AND ZONING PATTERNS: The surrounding zonings are R-1, Single Family Residential District, to the north, south and west (Z-06-10 and Z 06-11); and Johnson County zoning RUR - Rural, Agricultural uses to the east.

CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN: The Gardner Community Development Plan - 2003 indicates low-density residential land uses for this property, which is defined as 6-units per acre or less. The request for RP-2 zoning and submitted development plan of 114 units on 29.46 acres is consistent with the allowed density (3.87 units per acre) as shown on the Community Development Plan Map.

Specific policies in the adopted Community Development plan regarding low-density residential development include (staff comments in ***bold italics***):

Low-Density Residential Land Use Goals:

Goal 2 – Criteria for the Location of Low-Density Residential Development.

Policy 2.1: Protect Areas Planned for Low-Density-

Avoid reducing low density residential areas as shown on the Community Development Plan Map by allowing encroachment of higher density residential or by allowing nonresidential land uses which are not customarily allowed in low-density residential districts.

This proposal, though it includes duplex/villas, is classified as low-density development and thereby preserves the planned area for low-density.

Policy 2.2: Reserve Suitable Sites-

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Reserve suitable land areas of adequate size to accommodate a number of subdivisions in order to facilitate well-planned orderly development with better coordination of public services and facilities.

This project represents a portion of the overall Auburn Hills development, which comprises approximately 160 acres. The proposed layout of the preliminary development plan for the RP-2 district creates a cohesive two-family neighborhood, while coordinating with the development as a whole.

Policy 2.3: Ensure Adequate Infrastructure Facilities-

Ensure that new housing development occurs in areas, which can be adequately and efficiently served by infrastructure facilities.

This proposal is located within the North Service Area, as indicated on the Priority Growth Map, which is classified as a current service area.

Policy 2.4: Allow Small-Lot and Duplex Subdivisions

Allow the use of small-lot and duplex subdivisions in low-density residential areas in the following circumstances upon a finding of compatibility with surrounding uses:

As a land use transition between lower-density development and land uses of higher intensities.

The proposed RP-2 district, which will include villas/duplexes, could serve as a transitional land use between the existing R-1 zoning district to the west and much of the proposed RP-3 district to the north and existing CP-O and CP-2 districts to the south as well as the quarry and pump station to the east.

Adjacent to heavily traveled streets such highways, or interstates, or adjacent to railroad corridors.

The proposed RP-2 district, including villas/duplexes, is placed adjacent to Gardner Road, an arterial roadway to the east, providing a buffer for the lower density single-family district to the west.

Where flexibility in subdivision design is necessary to preserve natural features, provide for greenway linkages or avoid floodplains.

There is an existing pond and associated natural features to the south, as part of the preliminary development plan for this RP-2 district,, which impedes development in this area, lessening the overall density of the project.

Policy 3.2: Encourage Proper Lot Orientation

Encourage subdivision design in which peripheral lots face inward toward the neighborhood of which they are a part, especially those lots which are adjacent to collectors or thoroughfares. No home shall front on a designated thoroughfare.

All of the residences in the proposed Preliminary Development Plan face away from adjacent collectors and towards the neighborhood.

Policy 3.3: Provide for Extra Buffering in Special Circumstances

Encourage subdivision design which provides extra buffering between homes and adjacent freeways or thoroughfares. Extra buffering can be accomplished by using any of the following methods or a combination thereof:

- Berms
- Landscape screening
- Fences
- Extra lot depth

Appropriate landscaping and berms can be utilized to both shield the proposed RP-2 district from adjoining lower and higher density development from the existing quarry to the east.

Goal 4 – Compatible Transition from Low-Density Residential Development to More Intensive Uses.

Policy 4.1: Use Appropriate Transitional Methods

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

The proposed RP-2 district is surrounded by proposed RP-3 to the north, existing R-1 to the west, and Gardner Road, the quarry and pump station to the east. The RP-2 district, as proposed, provides an appropriate transition between the single-family district to the west and the quarry and pump station to the east.

Building Relationships:

A back-to-back relationship is preferable between low-density residences and other more intensive residential uses.

The proposed villas/duplexes share a back-to-back relationship with the existing R-1 district to the west and Gardner Road and the quarry to the east. They also share more of a side-to-side relationship with the proposed RP-3 district to the north and the existing CP-O and CP-2 districts to the south.

More intense residential uses should not have lesser setbacks than abutting low-density residential uses.

The building layout of the RP-2 district shall be consistent with the yard setbacks of the R-2 district with alterations as approved in the Final Development Plan, to allow flexibility while ensuring adequate setbacks.

Screening and Landscaping:

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Encourage the creative and extensive use of landscaping and berming techniques for effective buffering of low density residential uses.
Avoid the use of fences as a sole means of providing screening and buffering.
Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.
Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long term maintenance costs and to make it less likely that neglected, unsightly areas will occur.

Staff recommends that appropriate landscaping and berms be incorporated in the final development plan design to both shield the proposed RP-2 district from adjoining lower and higher density development to the north and south and the existing quarry to the east.

STAFF ANALYSIS OF THE APPLICATION: The applicant requests approval of a rezoning application for , Planned Two-Family residential development on 29.46 acres of land for 114 new residential units. The request conforms to the land uses set by the Community Development Plan, and is accessible by all applicable services.

The requested RP-2 zoning district restricts the uses of property to two-family dwellings, commonly referred to as duplexes. A preliminary development plan and general building elevations have been submitted for consideration with this request. The proposed RP-2 area would include a total of 57 villa/duplex buildings for a total of 114 villa/duplex units. Private drives provide access to the units looping north off 166th Street and south off of 164th Street. The general layout of this development is designed so that this proposed RP-2 development would be mostly a self-contained neighborhood.

Building Elevations

The submitted elevations denote that the buildings within this development will be constructed with a slight off-set between each unit, and each side of a duplex building will have unique features to prevent it from being a "mirrored" duplex unit design. All units are proposed to have a one car-width garage that is about 24 feet in total depth.

Land Use Relationship

The Community Development Plan recommends a back-to-back relationship between commercial and residential buildings and between low-density and higher density residential development. The proposed preliminary development establishes more of a side-to-back relationship with the existing CP-2 and C-O districts to the south and a side-to-side relationship with the proposed RP-3 district to the north. However, the Plan also allows for streets to act as a buffer between uses and both of these relationships are buffered by streets.

Farmstead House

The applicant has expressed to staff the desire to retain the original 2-story stone residence that is currently located on this subject property. This structure is located just north of proposed 166th Street, just west of Gardner Road and is denoted on the submitted preliminary development plan.

Ownership and Streets

The applicant has not delineated the intended limit of ownership for the proposed villa/duplexes, whether the property line will end at the foundation of each unit or if there will be an "envelope" of land surrounding each unit, with the remainder as common space. Ownership shall be delineated on the final development plan in order to address yard regulations. Some of the streets in this proposal are denoted as private. Per the City's technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets. The layout of some of the private roads may need to be revised on the Final Development Plan and Final Plat to meet public street design.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission forward the request to rezone the Auburn Hills property, 29.46 acres located west of Gardner Road and north of 167th Street, from the R-1, Single Family Residential District, to the RP-2, Planned Two Family Residential District, (Z-07-09) to the City Council with a recommendation for approval, subject to the following stipulations:

The development shall be in accordance with Exhibit "A" (Site Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.

The development shall be limited to 114 units.

The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by Community Development Department staff.

Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.

Per the City's adopted technical specifications, private streets must meet the same street design criteria (minimum radii for horizontal curves, etc.) as public streets.

1. Z-07-10 Auburn Hills Rezoning

Conduct a public hearing and consider rezoning property from R-1 (Single Family Residential District) to R-2 (Two Family Residential District) for a 7.85 acre property located west of Gardner Road and north of 167th Street. The application is filed by Rockwood at Prairie Highlands, L.L.C.; with engineering services provided by Allenbrand-Drews & Assoc. Inc.

APPLICANT: The applicant is Rockwood at Prairie Highlands, LLC; with engineering services provided by Allenbrand-Drews & Associates, Inc.

REQUESTED ACTION: The applicant requests rezoning from R-1, Single Family Residential District to the R-2, Two-Family Residential District.

LOCATION: The 7.85 acre area for the subject rezoning request is located west of Gardner Road and north of 167th Street.

EXISTING ZONING: The property was zoned to the R-1, Single Family Residential District, with City Council approval of Z-06-10 on November 20, 2006. (Ord. 2222).

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CHARACTER OF THE NEIGHBORHOOD: The land immediately surrounding the subject property is characterized by vacant land zoned for R-1, single-family residential development on all four sides. The Development Plan Map shows this property to be reserved for low-density residential growth.

LAND USE AND ZONING PATTERNS: The surrounding zonings are R-1, Single Family Residential District, to the north, south and west (Z-06-10 and Z 07-03).

CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN: The Gardner Community Development Plan - 2003 indicates low-density residential land uses for this property, which is defined as 6-units per acre or less. The request for R-2 zoning, which allows for a density of 6-units per acre or less, is consistent with the allowed density as shown on the Community Development Plan Map. Specific policies in the adopted Community Development plan regarding low-density residential development include (staff comments in ***bold italics***):

Low-Density Residential Land Use Goals:

Goal 2 – Criteria for the Location of Low-Density Residential Development.

Policy 2.1: Protect Areas Planned for Low-Density-

Avoid reducing low density residential areas as shown on the Community Development Plan Map by allowing encroachment of higher density residential or by allowing nonresidential land uses which are not customarily allowed in low-density residential districts.

This proposal, though it includes duplexes, is classified as low-density development and thereby preserves the planned area for low-density.

Policy 2.2: Reserve Suitable Sites-

Reserve suitable land areas of adequate size to accommodate a number of subdivisions in order to facilitate well-planned orderly development with better coordination of public services and facilities.

This project represents a portion of the overall Auburn Hills development, which comprises approximately 160 acres. The proposed zone change to the R-2 district forms part of a cohesive neighborhood by providing a buffer between the R-1 zoning to the west and the RP-3 zoning to the east.

Policy 2.3: Ensure Adequate Infrastructure Facilities-

Ensure that new housing development occurs in areas, which can be adequately and efficiently served by infrastructure facilities.

This proposal is located within the North Service Area, as indicated on the Priority Growth Map, which is classified as a current service area.

Policy 2.4: Allow Small-Lot and Duplex Subdivisions

Allow the use of small-lot and duplex subdivisions in low-density residential areas in the following circumstances upon a finding of compatibility with surrounding uses:

As a land use transition between lower-density development and land uses of higher intensities.

The proposed R-2 district, which will include duplexes, could be a land use transition between the existing R-1 zoning district to the west and the proposed RP-3 district as well as the quarry and pump station to the east. If the proposed RP-3 zoning (Z-07-08) is not approved, this rezoning request if approved could be an isolated area of R-2 zoning.

Adjacent to heavily traveled streets such highways, or interstates, or adjacent to railroad corridors.

In this instance the proposed R-2 district, including duplexes, is not placed adjacent to an arterial roadway.

Where flexibility in subdivision design is necessary to preserve natural features, provide for greenway linkages or avoid floodplains.

Land is set aside to the northwest of the proposed R-2 district for a possible school or City park, as denoted in the Community Development Plan. The approval of the Auburn Hills preliminary plat for all of the land area zoned R-1 (PP-06-02) included a concept layout of this area as lots for additional single-family development.

Goal 4 – Compatible Transition from Low-Density Residential Development to More Intensive Uses.

Policy 4.1: Use Appropriate Transitional Methods

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses about low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

The proposed R-2 district is surrounded by proposed RP-3 and RP-2 to the east, existing R-1 to the west, and a proposed park/school to the northwest. The R-2 district, as proposed, provides an appropriate transition between the single-family district to the west and the proposed RP-3 district to the east. If the proposed RP-3 zoning (Z-07-08) is not approved, this rezoning request if approved could be an isolated area of R-2 zoning.

STAFF ANALYSIS OF THE APPLICATION: The applicant requests approval of a rezoning application for two-family residential development on 7.85 acres of land. A concept plan provided to staff for the overall Auburn Hills development denotes that 30 new residential units could be developed on 15 lots in the requested R-2 area.

A revised preliminary plat for the Auburn Hills area zoned R-1 and R-2 would need to be submitted and approved for the different sized proposed 15 lots for the R-2 area, if this R-2 rezoning request is approved by City Council.

STAFF RECOMMENDATION: If the Planning Commission is satisfied with this application as a stand-alone rezoning request, then staff recommends that the Planning Commission forward the request to rezone the Auburn Hills property, 7.85 acres located west of Gardner Road and north of 167th Street, from the R-1, Single Family Residential District, to the R-2, Planned Two Family Residential District, (Z-07-10) to the City Council with a recommendation for approval with no stipulations.

Director Sherman presented the staff reports for Agenda Items 2 - 5.

Andy Schlagel, Land Planner for Rockwood at Prairie Highlands presented an overall plan for these applications and then described the individual applications. He remarked that the staff-recommended stipulations regarding street design criteria are problems for the applicant.

Rod Richardson, legal representation for Rockwood at Prairie Highlands expressed that these applications probably should not have been filed individually, but as a whole, and explained that this builder is building a larger community with these plans.

Mr. Richardson then began comparing these applications and the density to other locations in the area.

Mr. Richardson expressed that Rockwood at Prairie Highlands is trying to create affordable housing by increasing the density and that the lower the density, the higher the price.

Commissioner Godwin moved the Planning Commission take a 5 minute recess at 8:48 PM.

The Planning Commission reconvened at 8:56 PM.

Kimball Bryan, 16295 S. Gardner Rd., expressed his concerns regarding the increased traffic and limited access these applications would create. He suggested that the developer submitted the applications separately in order to make protest petitions impossible. Mr. Bryan remarked that the layout sets up the property to the north for duplexes.

Mike Murphy, 16145 S Gardner Rd., expressed his understanding of the developer's desire to create affordable housing, but he pointed out that the current road conditions could not handle the resulting amount of additional traffic.

Vanessa Cunningham, 29715 W 159th St., agrees with her neighbors and believes these applications will create a transient community. Ms. Marriott stated that she and her neighbors have lived in this neighborhood for many years and she does not want Gardner to become similar to Olathe.

Director Sherman explained the traffic analysis that was done for other developments in the area and that staff did not require a traffic study on this application.

Director Sherman and Chairman Koranda discussed the City of Gardner's five-year plan for budgeting purposes and that the City of Gardner does not have it in the budget to redo the roads in this area.

Director Sherman explained that road improvements are typically planned after development takes place and not before.

Kimball Bryan presented the City of Gardner Zoning Ordinance 16-1520 – Limitation on Successive Applications and expressed that he and his neighbors felt that this ordinance applied.

Director Sherman discussed the City of Gardner Zoning Ordinance 16-1520.3 and 16-520.4 and staff's reasoning for allowing the applications to proceed.

Director Sherman and the commissioners discussed the procedure for a protest petition and its significance.

Rod Richardson expressed that his client did notify the public correctly and followed all rules and procedures.

Andy Schlager and the commissioners discussed whether the units would be all rentals, all owner-occupied, or what the mix would be. Mr. Schlager explained that the R-2 and RP-2 units would be for sale, while the RP-3 units would be rentals. He described the proposed development as upscale affordable housing and said the R-2 and RP-2 units would likely sell for approximately \$200,000.00

Commissioner Godwin recommended that either a subcommittee be formed for these applications or these applications be tabled to the September 24th, 2007 meeting.

Director Sherman and Chairman Koranda discussed this recommendation and do not agree a subcommittee is needed.

Motion: Godwin, Second: Mertz, to extend this meeting for 1 half hour.

Motion Carried: 4 to 1 Aye, Burnett – Nay (Popp and Schultz: Absent.)

James Henningson, 16115 S Gardner Rd., expressed his concerns regarding the economy and foreclosures. Mr. Henningson would also like to see more defined policies of development. Mr. Henningson believes the current guidelines and parameters are too vague.

Chairman Koranda explained to the audience that the commissioners are part of the community and that the Planning Commission is a voluntary committee.

Mike Murphy expressed his feelings that the City of Gardner has enough affordable housing.

Rod Richardson explained that Rockwood at Prairie Highlands wants to work with the City of Gardner and its economy. Mr. Richardson expressed the applicant has not come here with ulterior motives, but to work with the community as a whole.

The applicant and the commissioners discussed different price points from 2005 in Johnson County.

Commissioner Mertz questioned why the Planning Commission was hearing about two different properties working together when only one was being officially presented at this meeting. Commissioner Mertz stated that she felt the applicant should have brought the two applications together. She also pointed out that the character of the neighborhood to

the east is not the same as the character of the neighborhood to the north and she remarked that she does not like the layout of this plan.

Commissioner Godwin agreed with Commissioner Mertz.

Commissioner Kilgore questioned the legitimacy of the financial reasons the applicant gave as reasons for the rezoning requests.

Commissioner Burnett remarked that the proposed development looks “chopped up” and needs transitions. He recalled that the Planning Commission worked hard on the previously-approved plan for this development and commented that he is not inclined to change it.

James Henningson requested that the Planning Commission take action on the application instead of tabling it and expressed that he and his neighbors were growing tired of coming to so many meetings regarding this property.

Motion: Mertz, Second: Burnett, to Table Agenda Items No. 2, 3, 4 and 5 to the September 24, 2007 meeting.

Motion Carried: 5 to 0 Aye (Popp and Schultz: Absent.)

V. Adjourn

Motion: Kilgore, Second: Burnett, to Adjourn the meeting at 10:35 P.M.

Motion Carried: 5 to 0 Aye (Popp and Schultz: Absent.)

Angie Lind, Planning Service Specialist
Community Development Department